

AGENDA INFORMATION ITEM

TO: Mayor and City Council

FROM: City Staff

SUBJECT: Temporary Certificate of Occupancy for 101 Broadway (Kai Restaurant)

On September 30, 2004, a Temporary Certificate of Occupancy (TCO) was issued for 101 Broadway (Kai Restaurant). The TCO was issued to allow the business, Kai Restaurant, to open while a number of issues not compliant with the City's Outdoor Dining Standards and/or prior approvals were addressed. The applicant, Mark Jeanetta, a representative of Kai Management, LLC, agreed with all conditions in the TCO and provided a performance bond of \$50,000 payable to the City of Santa Monica to be held until completion of all outstanding obligations related to the completion of construction. These obligations, as enumerated in the TCO include:

- Replace the awnings on Ocean Avenue and Broadway to conform with the City's requirements- not to extend more than 7 feet from the building on Ocean Avenue, and 6 feet from building on Broadway, in accordance with the City's Outdoor Dining Standards.
- Revise the Broadway outdoor dining barricade to match the approved plans
- Apply for Architectural Review Board (ARB) approval for all built-in exterior elements.

The TCO included an expiration date of 5PM Wednesday, December 29 2004. Mr. Jeanetta agreed that all required conditions could be addressed as outlined in the TCO by that date. In the first week of December, verbal communication was made with Mr. Jeanetta as a reminder of the December 29, 2004 expiration date for the TCO. On December 20, 2004, written correspondence was also sent by the City. On December 30, 2004, a Compliance Order was issued and, as of this writing, none of the conditions of the TCO have been addressed.

Prepared by: Suzanne Frick, Director
Planning and Community Development Department
Amanda Schachter, Planning Manager
Stephanie Reich, AIA, Urban Designer

Attachment: A Correspondence

Building and Safety
1685 Main Street
PO Box 2200
Santa Monica, California 90407-2200

City of
Santa Monica

December 20, 2004

Mark Jeanetta
Kai Management, LLC.
101 Broadway Avenue
Santa Monica, CA 90401

Re: Temporary Certificate of Occupancy
101 Broadway (Kai Restaurant)
(Permit #C11945 & C11811)

Dear Mr. Jeanetta:

We'd like to take this opportunity to remind you that the Temporary Certificate of Occupancy (TCO) expires at 5:00 PM, Wednesday, December 29, 2004. As noted in the TCO (attached), "failure to comply with any of the conditions above may result in revocation of your TCO." In addition, ARB approval is required for all built-in exterior elements.

Please advise us regarding your progress and schedule for compliance with the conditions of the TCO. City inspections will be necessary to confirm compliance with the requirements. If you require any additional assistance, please contact Stephanie Reich, Urban Designer at 310.458.8341.

Sincerely,

Katherine E. Comparetto

Katherine E. Comparetto
Code Compliance Supervisor
Building and Safety Division

Attached: Temporary Certificate of Occupancy (9/30/04)

Date: September 30, 2004

To: Suzanne Frick, Planning Director

From: Mark Jeanetta, Owner of Kai

Regd: Temporary Certificate of Occupancy

Dear Ms. Frick,

Per our last conversation, we would greatly appreciate you giving us a Temporary Certificate of Occupancy starting September 30, 2004 and ending December 29, 2004 with the following conditions:

- 1) We supply the City of Santa Monica with a \$50,000.00 bond**
- 2) We will take down the drop cloths that are on our current awning prior to the issuance of the temporary certificate of occupancy.**
- 3) Within 90 days the awning on Ocean Avenue shall be replaced to conform with the city's requirements and not extend more than 7 ft. from the building. The Broadway awning shall be replaced and not extend more than 6ft. from the building. In the event the awnings can not be replaced, they shall be removed.**
- 4) In the event the awnings are not removed or replaced within 90 days, the temporary certificate of occupancy shall be rescinded and the \$50,000.00 bond will be cashed by the city to remove the awnings. I understand that if this happens the city will also close the restaurant.**

We thank you for your help with this matter and look forward to having the opportunity to have you as our guest.

Sincerely,

Mark Jeanetta

A handwritten signature in black ink, appearing to read 'Mark Jeanetta', with a long horizontal flourish extending to the right.